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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 MINE O'MINE, INC., a Nevada corporation,

13 Plaintiff,

14 v.

15 MICHAEL D. CALMESE, an individual;
16 TRUE FAN LOGO, INC., a business of
unknown origin;

17 Defendants.

Case No. 2:10-cv-00043-KJD-PAL

**ORDER ENTERING
FINAL JUDGMENT**

18
19 Presently before the Court is Plaintiff's Motion For Judgment Under Fed. R. Civ. P.
20 54(B) And Conditional Motion For Dismissal Of Remaining Claims. On July 12, 2011, the
21 Court entered summary judgment in favor of Plaintiff Mine O'Mine, Inc. ("MOM") on: (1) its
22 claims for trademark infringement (Claim I) and unfair competition (Claims II and V); and (2)
23 Defendant Michael Calmese's and True Fan Logo, Inc.'s counterclaims for trademark
24 infringement, unfair competition and defamation. (Docket #66). In addition, the Court entered
25 summary judgment in favor of Defendants on MOM's right of publicity claim (Count VI).
26 (Docket #66) The sole remaining claims are MOM's claims for cybersquatting (Count IV) and
27 trademark dilution (Count V). (Docket #1).

28 Finding that there is no just reason for delaying entry of final judgment on the claims

1 decided on summary judgment, the Court hereby grants Plaintiff's motion and orders as follows:

2 A. Judgment shall be entered in favor of MOM and against Defendants Michael
3 Calmese and True Fan Logo, Inc. on MOM's claims for trademark infringement (Count I) and
4 unfair competition (Count II and IV) and on all of the Defendants' counterclaims.

5 B. Judgment shall be entered in favor of Defendants on MOM's claim for violation
6 of the right of publicity (Count VI).

7 C. Based on MOM's prevailing on its claims for trademark infringement and unfair
8 competition, the Court hereby permanently enjoins Defendants and their respective officers,
9 agents, servants, employees and/or all persons acting in concert or participation with them from
10 using the SHAQTUS mark, <shaqtus.com> domain name, <shaqtus.net> domain name, and any
11 other marks or domain names confusingly similar to any of the SHAQ Marks, as defined in the
12 Complaint, alone or in combination with any other letters, words, letter strings, phrases or
13 designs, in commerce or in connection with any goods or services. The Court further orders that
14 the current domain name registrar or registry transfer the <shaqtus.net> domain name
15 registration to MOM.

16 D. The Court hereby dismisses MOM's claims for cybersquatting (Count IV) and
17 trademark dilution (Count V) and its request for monetary relief on all claims.

18 IT IS SO ORDERED.

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Kent J. Dawson
United States District Judge

21 Dated this 21 day of October, 2011